

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

Criminal Application No. 4046 of 2014

- | | | |
|----|-----------------------------|---|
| 1) | Vivek Arun Kabra, |) |
| | Age 39 years, |) |
| | Occupation: Business, |) |
| | R/o Pratap Nagar, Jalgaon. |) |
| | |) |
| 2) | Balkrishna Mangilal Sodani, |) |
| | Age 64 years, |) |
| | Occupation : Nil. |) |
| | |) |
| 3) | Vidya Balkrishna Sodani, |) |
| | Age 63 years, |) |
| | Occupation : Nil. |) |
| | R/o 7, Film Colony, Indore, |) |
| | Madhya Pradesh. |) |
| | |) |
| 4) | Subhash Shankarlal Rathi, |) |
| | Age 57 years, |) |
| | Occupation : Nil. |) |
| | |) |
| 5) | Ujwala Subhash Rathi, |) |
| | Age 55 years, |) |
| | Occupation : Household, |) |
| | R/o 75, Ashirwad Apartment, |) |
| | Sharnapur Road, Nashik, |) |
| | Taluka and District Nashik. |) |
| | |) |
| 6) | Shubhangi Manish Rathi, |) |
| | Age 43 years, |) |
| | Occupation : Nil. |) |
| | |) |
| 7) | Manish Maheshkumar Rathi, |) |
| | Age 46 years, |) |
| | Occupation : Service, |) |
| | R/o 101, Blumingdale, |) |
| | Hiranandani Estate, |) |
| | Ghodbandar Road, |) |
| | Taluka and District Thane. |) |

- 8) Omprakash Murlidhar Singi,)
 Age 59 years,)
 Occupation : Business,)
 R/o Labriya Road, Indore,)
 Madhya Pradesh.)
)
- 9) Dagdu Tukaram Chaudhari,)
 Age 65 years,)
 Occupation : Nil,)
 R/o 11 Raviraj Colony, Mahabal,)
 Jalgaon,)
 Taluka and District Jalgaon.)
)
- 10) Harshada Dagdu Chaudhari,)
 Age 28 years,)
 Occupation : Service,)
 R/o Buldhana Urban Hostel,)
 Jail Road, Buldhana,)
 Taluka and District Buldhana.)
)
- 11) Arun Sundarlal Kabra,)
 Age 62 years,)
 Occupation : Nil.)
)
- 12) Pushpa Arun Kabra,)
 Age 55 years,)
 Occupation : Nil,)
 R/o. Near Nutan Maratha)
 College, Jila Peth, Jalgaon.) .. **Applicants.**

Versus

- 1) The State of Maharashtra,)
 Through Jillha Peth,)
 Police Station,)
 Taluka and District Jalgaon.)
)
- 2) Rupali Vivek Kabra,)
 Age 36 years,)
 R/o. 16, Sinhi Colony,)
 Near Navbharat Dairy,)
 Jalgaon,)
 Taluka and District Jalgaon.) .. **Respondents.**

Shri. Girish A. Nagori, Advocate, for applicants.

Shri. K.S. Patil, Additional Public Prosecutor, for respondent No.1.

Shri. Vijay B. Patil, Advocate, for respondent No.2.

**CORAM: T.V. NALAWADE &
Smt. I.K. JAIN, JJ.**

DATE : 25th MARCH 2015

JUDGMENT:

1) Rule, rule made returnable forthwith. Heard both the sides for final hearing by consent. The learned Additional Public Prosecutor is heard.

2) The proceeding is filed under section 482 of the Code of Criminal Procedure for quashing of the First Information Report of Crime No.74/2014 registered in Jilla Peth Police Station, Jalgaon for offences punishable under sections, 498-A, 406, 323, 504, 506, 34 of the Indian Penal Code.

3) Crime is registered on the basis of report given by Smt. Rupali Kabra. She is wife of applicant No.1 Vivek.

Applicant Nos.10 and 11 are parents of applicant No.1. During argument learned counsel for these three applicants on instructions submitted that they want to withdraw the proceeding filed by them and so their proceeding is disposed of as withdrawn.

4) It is the case of the complainant that her marriage took place with applicant No.1 on 14-4-2000 and her parents had given 40 *Tolas* of gold as dowry. It is her case that after her marriage ill-treatment was given to her by the husband and his relatives by saying that she was of black complexion and they were not satisfied with the dowry given in the marriage. It is her case that husband was asking her to bring Rs.5 lakh for expansion of his business. He was running a typewriting institute. When she refused to bring the amount, according to her, the husband and his parents gave beating and they started giving her more mental and physical harassment.

5) It is her case that even after the birth of one daughter, ill-treatment was continued. She has made allegations that the sister of the husband, namely

Shubhangi, present applicant No.6, and her husband Manish, applicant No.7, resident of Thane, used to visit her house occasionally and on those occasions they used to tease her by saying that she was black in complexion. According to her, they were giving abuses to her.

6) It is her case that applicant No.5 Ujwala, is aunt on paternal side of her husband and accused No.4 Subhash is husband of applicant No.5 and they also used to tease her in similar manner. It is her case that other applicants like Balkrishna Sodani and Vidya Sodani were also harassing her and they are relatives of the husband. Similar allegations are made against Omprakash, who is described as maternal uncle of the husband.

7) She has made allegation against applicant No.10 who is serving in Buldhana that she used to say to her that she wanted to marry with Vivek. Applicant No.9 Dagdu is father of applicant No.10 and allegations against them are that they used to harass her.

8) She has made allegation that her ornaments were with the husband and his parents and they were kept in locker already. It is her case that due to the ill-treatment she left the matrimonial house and she is living with her parents and both the daughters are with her.

9) The aforesaid allegations show that the main allegations are against husband and his parents and it appears they were living together at the relevant time. However, there are no specific allegations as against sister of the husband and other relatives. Even, the so called friends of the husband are made accused and crime is registered against them. The other accused are residents of different places and it can be said that there are no specific allegations against them that on a particular occasion they had come to the house of her husband and then they had given ill-treatment. All allegations against them are vague in nature.

10) It is noticed that to pressurize husband and his parents, all the relatives of the husband are roped in and crimes are registered for offence under section 498-A,

Indian Penal Code against them. Allowing the proceeding against them to continue will be abuse of process of law. As allegations are vague nothing can be achieved if the proceeding is allowed to continue against them. This Court holds that power under section 482 of the Code of Criminal Procedure needs to be used and the proceeding as against them needs to be quashed.

11) In the result, the application of applicant Nos.2 to 10 is allowed. The First Information Report No.74/2014 registered at Jillha Peth Police Station Jalgaon for offences punishable under sections 498-A, 406, 323, 504, 506, 34 of the Indian Penal Code filed against them is hereby quashed and set aside. The present application as against applicant Nos.1,11 and 12 is disposed of as withdrawn. Rule is made absolute in aforesaid terms.

Sd/-
(Smt. I.K. JAIN, J.)

Sd/-
(T.V. NALAWADE, J.)

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